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10/037,998	01/03/2002	Anthony Dezonno	6065-83768	6597
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Husch Blackwell Sanders, LLP			DALENCOURT, YVES	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/037,998	<b>Applicant(s)</b> DEZONNO ET AL.
	<b>Examiner</b> YVES DALENCOURT	<b>Art Unit</b> 2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on **04 January 2010**.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-38 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

## **DETAILED ACTION**

This office action is responsive to amendment filed on 01/03/2010.

### ***Response to Amendment***

The Examiner has acknowledged the amended claims 1 – 2, 8, 15, 22, 29, and 34.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1 - 38 have been considered but are moot in view of the new ground(s) of rejection.

Regarding Applicant's argument (page 13, first paragraph) that Petrovykh fails to disclose " receiving from a browser a request on a website for communication with a human agent activated by the requester. The Examiner respectfully disagrees with Applicant's assertion because *Petrovykh discloses that clients connected to the network and operating instant message software connect to the instant message server for the purpose of establishing communication with available customer service representatives, and wherein assertion of a connection link advertised by the instant message server establishes bi-directional communication between the client machine and the intermediate server, the intermediate server interacting with including identifying the client and version of instant message software used by the client for the purpose of routing the client request to an appropriate customer service representative(claimed human agent) thereby establishing an active instant message connection between the client and the selected customer service representative (see paragraph [0032]).*

*In response to Applicant's argument (page 13, second paragraph) that Petrovykh fails to disclose "a request for human agent or analyzing browser associated information of a request for a human agent. The Examiner contends that Petrovykh discloses that interface 69 may contain much more detailed information including information that is specific to a user request invoking the interface (see paragraph [0083]).*

Applicant argued (page 14, first paragraph) that Petrovykh fails to disclose "selecting a human agent for the communication session based upon a content of the analyzed browser associated information. The Examiner respectfully disagrees with Applicant's argument because Petrovykh discloses that software analogous to CCPS 50 of FIG. 1 analyzes the received request and pulls the most current agent-availability data for the purpose of servicing the request (see paragraph [0087]).

Regarding Applicant's argument (page 14, last paragraph) that Petrovykh fails to disclose "retrieving a list of router identifiers defining a path from the requester to the website". The Examiner respectfully disagrees with Applicant's assertion because Petrovykh shows a real time monitoring of all of these devices by CCPS 119 directly and through FPSS instances provides valuable information to a real or robotic agent associated with Center 117, together with client preference information which may be achieved by any of several paths, as described above, in real time or according to pre-programmed preferences. The ability of agents, real or robotic, to respond to client's needs is therefore greatly enhanced (see paragraph [0126]).

In response to Applicant's argument (page 15, first paragraph) that Petrovykh fails to disclose the shared files related to communication activity of the requester's browser, and retrieved to the agent website when the website identifies itself as part of the file showing network. The Examiner respectfully disagrees with Applicant's argument because Petrovykh discloses to begin a browsing session, the user first invokes client browser 7. Once the browser is executing, the browser obtains, as an initial web page--selection of this page being referenced by numeral 31, an address either of a prior so-called "default" content page previously specified by the user and having its URL stored in the browser or of a content page manually entered by the user. The client browser then issues, as symbolized by block 33, a request to fetch a file for that page; with the request containing a URL of that page (i.e., its complete web address including its file name)(see col. 19, lines 22 – 61). Petrovykh further discloses that such requested file resides on web server 13, which is a shared file.

**Applicants are interpreting the claims very narrow without considering the broad teaching of the combined references to meet the claimed language. During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." >The Federal Circuit's en banc decision in Phillips v. AWH Corp., 415 F.3d 1303, 75 USPQ2d 1321 (Fed. Cir. 2005) expressly recognized that the USPTO employs the "broadest reasonable interpretation" standard:**

**The Patent and Trademark Office ("PTO") determines the scope of claims in patent applications not solely on the basis of the claim language, but upon giving**

**claims their broadest reasonable construction "in light of the specification as it would be interpreted by one of ordinary skill in the art." In re Am. Acad. of Sci. Tech. Ctr., 367 F.3d 1359, 1364[, 70 USPQ2d 1827] (Fed. Cir. 2004).**

In view of such, the rejection is maintained as follows:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 15 – 21, and 29 - 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Yevgeny Petrovykh (US 2008/0071917; hereinafter Petrovykh).

Regarding claim 1, Petrovykh discloses a method of establishing communication sessions through the Internet (figs. 1 - 11), such method comprising: receiving a request from a browser of an Internet requester currently accessing a website of an organization via the browser, the request activated by the requester and forwarded to the organization by the browser to request a communication session with a human agent of the website (paragraphs [0032], [0085], and [0112]; *Petrovykh discloses that clients connected to the network and operating instant message software connect to the instant message server for the purpose of establishing communication with available customer*

*service representatives, and wherein assertion of a connection link advertised by the instant message server establishes bi-directional communication between the client machine and the intermediate server, the intermediate server interacting with including identifying the client and version of instant message software used by the client for the purpose of routing the client request to an appropriate customer service representative(**claimed human agent**) thereby establishing an active instant message connection between the client and the selected customer service representative); automatically recovering and analyzing browser associated information relating to the request prior to human agent assignment from the browser request by using a processor (paragraphs [0083], [0085], [0087], and [0189]; Petrovykh discloses that interface 69 may contain much more detailed information including information that is specific to a user request invoking the interface); and selecting a human agent for the communication session based upon a content of the analyzed browser associated information (paragraphs [0087], [0168] and [0189]; Petrovykh discloses that software analogous to CCPS 50 of FIG. 1 analyzes the received request and pulls the most current agent-availability data for the purpose of servicing the request).*

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2 - 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovykh et al (US 2002/0161896; hereinafter Petrovykh) in view of Bateman et al (US 5,884,032; hereinafter Bateman).

Regarding claim 2, Petrovykh discloses the method of establishing communication sessions as in claim 1, wherein the browser associated information includes information delivered with the request (paragraphs [0032] and [0087]; *Petrovykh discloses that software analogous to CCPS 50 of FIG. 1 analyzes the received request and pulls the most current agent-availability data for the purpose of servicing the request*), and wherein the step of analyzing browser associated information further comprises retrieving a list of router identifiers defining a path from the Internet requester to the website (paragraphs [0126] and [0176]), but fails to specifically disclose that router information retrieved is based upon a URL of the browser and information retrieved from the browser about other communications sessions.

However, Bateman discloses an analogous system for coordinating communications via customer contact channel changing system using call center for setting up the call between customer and an available agent, which shows the idea of having router information retrieved based upon a URL of the browser and information retrieved from the browser about other communications sessions (col. 6, lines 31 – 60; col. 6, line 66 through col. 7, line 13; and col. 9, lines 19 – 32).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Petrovykh by incorporating the idea of having router information retrieved based upon a URL of the browser and information retrieved from the browser about other communications sessions as evidenced by Bateman for the purpose of establishing communication sessions faster and simpler, thereby improving the likelihood of a successful connection to a live agent.

Regarding claim 3, Petrovykh discloses the method of establishing communication sessions as in claim 2 further comprising identifying a locale of an IP packet router in a closest relative location to the requester (paragraph [0036]).

Regarding claim 4, Petrovykh discloses the method of establishing communication sessions as in claim 3 wherein the step of selecting the agent further comprises identifying an agent in the identified locale of the closest relative router (paragraph [00120], 0126], and 0168]).

Regarding claim 5, Petrovykh discloses the method of establishing communication sessions as in claim 4 wherein the step of analyzing browser associated

information further comprises determining an organizational affiliation of the requester from a domain name of the request (paragraphs [0083 - 0085]).

Regarding claim 6, Petrovykh discloses the method of establishing communication sessions as in claim 5 wherein the step of selecting an agent further comprises retrieving a list of agents qualified to service communication sessions with the determined organization (paragraphs [0168] and [0189]).

Regarding claim 7, Petrovykh discloses the method of establishing communication sessions as in claim 6 further comprising transferring a URL of the requester to the selected agent (paragraph [0072]).

Claims 8 – 11, 22 – 28, and 34 - 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrovykh et al (US 2002/0161896; hereinafter Petrovykh) in view of Landsman et al (US 6,785,659; hereinafter Landsman).

Regarding claim 8, Petrovykh discloses substantially all the limitations in claim 1, but fails to specifically disclose the step of making available to the website a set of shared files from a browser of the requester.

However, Landsman shows in an analogous art, the step of making available to the website a set of shared files generated by a browser of the requester (col. 11, lines 1 – 7; col. 19, lines 22 - 46).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Petrovykh by incorporating the step of retrieving a set of shared files from a browser of the requester as evidenced by

Landsman for the purpose of quickly and reliably rendering the files with essentially no downloading delay, thus providing a highly pleasing user experience with requesting rich media files.

Regarding claim 9, Petrovykh and Landsman show all the limitations in claim 8, and Landsman further shows the step of detecting a set of file extension of the shared files (col. 19, lines 22 - 67). The motivation for claim 8 also applies for claim 9.

Regarding claim 10, Petrovykh and Landsman show all the limitations in claim 9, and Landsman further shows the step of comparing the file extensions with a communications capability index (col. 11, lines 1 – 7; col. 19, lines 22 - 46). The motivation for claim 8 also applies for claim 10

Regarding claim 11, Petrovykh and Landsman show all the limitations in claim 10, and Petrovykh further shows the step of selecting the agent further comprises searching for an agent with a communication capability index substantially equal to the requester (paragraphs [0168] and [0189]).

Regarding claim 12, Petrovykh and Landsman show all the limitations in claim 8, and Landsman further shows the step of detecting a URL of a competitor (See col. 20, lines 56-63)(Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47).

Regarding claim 13, Petrovykh and Landsman show all the limitations in claim 12, and Landsman further shows that the competitor further comprises an identifier of a webpage of a specific product of the competitor ((See col. 20, lines 56-63.)(Fig. 1B (20) depicts third party ad server (competitor) See also col. 18, lines 36-47)).

Regarding claim 14, Petrovykh and Landsman show all the limitations in claim 13, and Petrovykh further shows the step of selecting the agent further comprises searching for an agent with knowledge of the specific product of the competitor (paragraphs [0168] and [0189]).

Claims 15 – 38 incorporate substantially all the limitations of claims 1 – 14 in apparatus form, rather than in method form. The rejections of claims 1 – 14 apply to claims 15 – 38. Thus, claims 15 – 38 are rejected substantially for the same reasons.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YVES DALENCOURT whose telephone number is (571)272-3998. The examiner can normally be reached on M-F 8-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YVES DALENCOURT/  
Primary Examiner, Art Unit 2457